

# **EXHIBIT D**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ROBBIE D. JONES,

Plaintiff,

v.

COMMISSIONER STAN TAYLOR,  
WARDEN RICK KEARNEY,  
SGT. BARRY BILES, and TIANA  
BANKS,

Defendants.

C.A. No. 04-1523-JJF

**AFFIDAVIT OF TIANA BANKS**

1. I am employed by the State of Delaware, Department of Correction at the Sussex Correctional Institution ("SCI"), in Georgetown, Delaware as a Correctional Officer. I have been employed by the Department of Correction for ten (10) years.

2. I have reviewed Plaintiff's Complaint and dispute the allegations therein.

3. On July 6, 2004, Sergeant Biles called Inmate Jones to his office. I opened the gate and let Inmate Robbie Jones off the tier. After opening the gate and letting Inmate Jones off of the tier, I did not remain but returned to the tier. I did not observe any incident between Sgt. Biles and Inmate Jones on July 6, 2004.

4. I also did not write an incident report for an incident between Sgt. Biles and Inmate Robbie Jones on July 6, 2004. If I had observed any incident involving the use of force, I would have written an incident report pursuant to SCI's Standard Operating Procedures. My name also would have been included on the report of Sgt. Biles or on the report of any officer who wrote a report in relation to the incident.

5. I have made these statements based upon my personal knowledge,

specialized training, and experience as an employee of the Department of Correction.

Tiana Banks

Tiana Banks

SWORN AND SUBSCRIBED before me this 16<sup>th</sup> day of August, 2007.

Deborah G. Tappan

Notary

